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|---|------------------------------|--------------------------------|
| 1 | UNITED STATES DISTRICT COURT |                                |
| 2 | DISTRICT OF NEVADA           |                                |
| 3 | ROBERTO DURAND,              | Case No. 3:22-cv-00026-RCJ-WGC |
| 4 |                              | <b>ORDER</b>                   |
| 5 | v.                           |                                |
| 6 | MRS. T. COOKE,               |                                |
| 7 |                              | Defendant                      |
| 8 |                              |                                |

9 **I. DISCUSSION**

10 On January 18, 2022, Plaintiff, an inmate in the custody of the Nevada Department  
 11 of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and  
 12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s  
 13 application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted an  
14 inmate account statement for the previous six-month period with his application. The  
 15 Plaintiff is advised that a Financial Certificate (page 4 of this Court’s application) and an  
 16 inmate account statement for the previous six-month period are two separate documents  
 17 the Court requires to consider his *in forma pauperis* application fully complete.

18 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
 19 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
 20 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
 21 inmate must submit all three of the following documents to the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
 23 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on  
 24 page 3),  
 25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
 26 official (i.e. page 4 of this Court’s approved form), and  
 27 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**  
 28 **previous six-month period**.

1           Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*  
2 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant  
3 Plaintiff a one-time extension to file a fully complete application to proceed *in forma*  
4 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete  
5 application to proceed *in forma pauperis* on or before **March 21, 2022**. Absent unusual  
6 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not  
7 file a fully complete application to proceed *in forma pauperis* with all three required  
8 documents on or before **March 21, 2022**, this case will be subject to dismissal without  
9 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all  
10 three of the documents needed to file a fully complete application to proceed *in forma*  
11 *pauperis* or pays the full \$402 filing fee.

12           A dismissal without prejudice means Plaintiff does not give up the right to refile the  
13 case with the Court, under a new case number, when Plaintiff has all three documents  
14 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
15 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
16 full filing fee of \$402 on or before **March 21, 2022** to proceed with this case.

17           The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court  
18 will not file the complaint unless and until Plaintiff timely files a fully complete application  
19 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

20 **II. CONCLUSION**

21           For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
22 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
23 application to proceed *in forma pauperis* with all three documents.

24           IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
25 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
26 document entitled information and instructions for filing an *in forma pauperis* application.

27           IT IS FURTHER ORDERED that on or before **March 21, 2022**, Plaintiff will either  
28 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52

1 administrative fee) or file with the Court:

2 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate** on this  
3 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
4 signatures on page 3),  
5 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
6 official (i.e. page 4 of this Court's approved form), and  
7 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
8 **previous six-month period.**

9 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
10 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
11 filing fee for a civil action on or before **March 21, 2022**, this case will be subject to  
12 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
13 number, when Plaintiff has all three documents needed to file a complete application to  
14 proceed *in forma pauperis* or pays the the full \$402 filing fee.

15 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
16 (ECF No. 1-1) but will not file it at this time.

17 DATED: January 21, 2022

*William G. Cobb*

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UNITED STATES MAGISTRATE JUDGE  
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